

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:	§	MULTI-DISTRICT LITIGATION
ASBESTOS PRODUCTS	§	
LIABILITY LITIGATION	§	NO. MDL 875
=====		
NEWBURN BROWN ADKINS, ET AL	§	CIVIL ACTION
	§	
V.	§	
	§	
LINCOLN ELECTRIC COMPANY, ET AL	§	NO.: 05-CV-00882 (U.S.D.C. TEXAS EASTERN)
=====		
ANTHONY PERRY	§	CIVIL ACTION
	§	
V.	§	
	§	
LINCOLN ELECTRIC COMPANY, ET AL	§	NO.: 09-CV-65145 (U.S.D.C. PENNSYLVANIA EASTERN)

AND

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:	§	MULTI-DISTRICT LITIGATION
ASBESTOS PRODUCTS	§	
LIABILITY LITIGATION	§	NO. MDL 875
=====		
CHARLIE HERMAN ANDERSON AND	§	CIVIL ACTION
GLENN WESLEY ANDERSON, ET AL	§	
	§	
V.	§	
	§	
KIMBERLY-CLARK CORPORATION, ET AL	§	NO.: 07-CV-73274 (U.S.D.C. TEXAS EASTERN)
=====		
ANTHONY PERRY	§	CIVIL ACTION
	§	
V.	§	
	§	
KIMBERLY-CLARK CORPORATION, ET AL	§	NO.: 09-CV-71049 (U.S.D.C. PENNSYLVANIA EASTERN)

AND

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:	§	MULTI-DISTRICT LITIGATION
ASBESTOS PRODUCTS	§	
LIABILITY LITIGATION	§	NO. MDL 875
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CLARENCE JACKSON ALLDREDGE, ET AL	§	CIVIL ACTION
	§	
V.	§	
	§	NO.: 07-CV-73275
LINCOLN ELECTRIC COMPANY, ET AL	§	(U.S.D.C. TEXAS EASTERN)
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ANTHONY PERRY	§	CIVIL ACTION
	§	
V.	§	
	§	NO.: 09-CV-71335
LINCOLN ELECTRIC COMPANY, ET AL	§	(U.S.D.C. PENNSYLVANIA EASTERN)

PLAINTIFFS' AGREED MOTION TO CONSOLIDATE

COMES NOW, *Anthony Perry*, (hereinafter referred to as "Plaintiff") and files this Plaintiff's Agreed Motion to Consolidate and would show unto this Honorable Court as follows:

A. INTRODUCTION

1. Anthony Perry was exposed to asbestos fibers at Defendant Kimberly-Clark Corporation's Coosa Pines News Print Mill in Childersburg, Alabama. Plaintiff sued Kimberly-Clark Corporation and others for Anthony Perry's asbestos-related disease.
2. On or about May 5, 2009 this Honorable Court severed Plaintiff's claims into the case styled Case No. 09-CV-65145; *Anthony Perry v. Lincoln Electric Company, et al.* Unfortunately, the Honorable Court also severed Plaintiff's claims into the cases styled Case No. 09-CV-71049; *Anthony Perry v. Kimberly-Clark Corporation, et al* and Case No. 09-CV-71335; *Anthony Perry v. Lincoln Electric Company, et al.* All of these severed cases involve the asbestos-related disease of Anthony Perry.

B. ARGUMENT

3. Case No. 09-CV-65145; *Anthony Perry v. Lincoln Electric Company, et al*, Case No. 09-CV-71049; *Anthony Perry v. Kimberly-Clark Corporation, et al* and Case No. 09-CV-71335; *Anthony Perry v. Lincoln Electric Company, et al* all involve (i) common questions of law or fact; (ii) the same parties and issues; and (iii) involve the same transaction or occurrence. In fact, all of these severed cases involve the exposure and disease of the identical plaintiff at the identical defendant's premises. Therefore, it is appropriate to consolidate these cases pursuant to the Federal Rules of Civil Procedure.

C. CONCLUSION

WHEREFORE PREMISES CONSIDERED, Plaintiff respectfully requests that this Honorable Court consolidate this case into Case No. 09-CV-65145; *Anthony Perry v. Lincoln Electric Company, et al* and for such other and further relief to which Plaintiff is entitled.

Respectfully submitted,

REAUD, MORGAN & QUINN, L.L.P.
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By: Glen W. Morgan
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Texas Bar No. 24007858
Lawyers for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of July, 2009 I have served a true copy of the above and foregoing on the adverse parties by forwarding a copy of same to all opposing counsel herein.

CMP8030
Chris Portner

AGREED:

CMP8030
Chris Portner

/s/ Kent M. Adams /s/
Kent M. Adams

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LINCOLN ELECTRIC COMPANY, ET AL	§	NO.: 09-CV-65145 (U.S.D.C. PENNSYLVANIA EASTERN)

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=====		
ANTHONY PERRY	§	CIVIL ACTION
	§	
V.	§	
	§	
KIMBERLY-CLARK CORPORATION, ET AL	§	NO.: 09-CV-71049 (U.S.D.C. PENNSYLVANIA EASTERN)

AND

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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ANTHONY PERRY	§	CIVIL ACTION
	§	
V.	§	
	§	NO.: 09-CV-71335
LINCOLN ELECTRIC COMPANY, ET AL	§	(U.S.D.C. PENNSYLVANIA EASTERN)

**ORDER GRANTING
PLAINTIFFS' AGREED MOTION TO CONSOLIDATE**

After considering Plaintiff's Agreed Motion to Consolidate filed in the above-captioned cases, any responses and replies thereto, and after review on submission and/or hearing, the Court finds that the motion should be granted; it is therefore,

ORDERED that Plaintiff's Agreed Motion to Consolidate filed in the above-captioned cases is in all things GRANTED, this Honorable Court consolidates the following:

- Case No. 09-CV-71049; *Anthony Perry v. Kimberly-Clark Corporation, et al*
- Case No. 09-CV-71335; *Anthony Perry v. Lincoln Electric Company, et al*

into the case styled Case No. 09-CV-65145; *Anthony Perry v. Lincoln Electric Company, et al*, pending before this Honorable Court.

EDUARDO C. ROBRENO, J.

AGREED:

CMP8030
Chris Portner

/s/ Kent M. Adams /s/
Kent M. Adams